

M. Wagner
2-A523

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

December 14, 2001

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Amy L. Van de Kerckhove, Esquire
ShawPittman
2300 N Street, N.W.
Washington, D.C. 20037-1128

In Re: WAKL(FM), Flint, Michigan
Educational Media Foundation
Facility ID No. 47686
Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Ms. Van de Kerckhove:

This staff has under consideration the above referenced October 30, 2001, request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by Educational Media Foundation ("EMF"). EMF is the approved assignee of station WAKL(FM) Flint, Michigan. See BALED-20011005AAF, granted on November 19, 2001. EMF seeks a waiver of Section 73.1125 in order to operate WAKL(FM) as a "satellite" of its noncommercial educational FM station KLVF(FM), Santa Rosa, California.¹ For the reasons set forth below, we will waive Section 73.1125 and grant EMF's request.

Main Studio Waiver. Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community. See Report and Order, Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations, 13 FCC Rcd 15,691 (1998); recon. granted in part, 14 FCC Rcd 11,113 (1999) ("Reconsideration Order"). However, under Section 73.1125(b)(2), the Commission will waive these requirements where "good cause" exists to do so and where the proposed studio location "would be consistent with the operation of the station in the public interest." Each waiver request by an NCE station seeking to operate as the satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus found "good cause" exists to waive the main studio location requirement where satellite operations are proposed. *Id.* A satellite station must,

¹ A "satellite" station meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent station's programming. See Amendment of Multiple Ownership Rules, Memorandum Opinion and Order, 3 RR2d, 1554, 1562 (1964).

however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

EMF's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a)(4) under these circumstances. EMF proposes to operate WAKL(FM), Flint, Michigan as a satellite station of KLVR(FM), Santa Rosa, California, approximately 3,303 kilometers from Flint, Michigan. Where there is great distance between the parent and the satellite station, as here, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, EMF has pledged to: (1) to maintain an auxiliary studio at a location that complies with Section 73.1125 and that is capable of origination local programming that is responsive to local community needs; (2) that it will engage the services of a local Flint public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of the Flint listeners, which will be covered in EMF's news and public affairs programming and broadcast over the WAKL(FM); (3) that its local representative will further serve as a liaison between residents of Flint, and EMF's programming personnel; and ; (4) to maintain a toll free telephone number for the use of the residents in the community and maintain a public inspection file for the station within the Flint community.

In these circumstances, we are persuaded that EMF will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind EMF, however, of the requirement that it maintain a public file for the Flint, Michigan station at the main studio of the "parent" station, KLVR(FM), Santa Rosa, California. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd at 11,129, ¶45. We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for WAKL(FM) must contain the quarterly issues and programs list for Flint, Michigan required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request made by Educational Media Foundation for a waiver of 47 C.F.R. § 73.1125, IS GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a stylized flourish at the end.

Peter H. Doyle, Chief
Audio Services Division
Mass Media Bureau